

Application Number:	P/FUL/2023/03561
Webpage:	Planning application: P/FUL/2023/03561 - dorsetforyou.com (dorsetcouncil.gov.uk)
Site address:	Store off 'Entry', Brandy Row, Portland Chiswell, DT5 1AP
Proposal:	Form new roof structure, (remove remnants of existing) and covering together with reinstatement of entrance door and side window within existing opening.
Applicant name:	Mr Ian Stone
Case Officer:	Rob Parr
Ward Member(s):	Cllr Cocking, Cllr Hughes and Cllr Kimber

1.0 In accordance with the Council's scheme of delegation this application is brought to committee for determination as Dorset Council owns land within the application site.

2.0 Summary of recommendation: Grant permission subject to conditions.

3.0 Reason for the recommendation:

- No harm to character and appearance or amenity.
- No harm to Heritage Assets.
- No highway concerns identified.
- No adverse impact on European Protected Site.
- There are no material considerations that would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of Development	Within Defined Development Boundary and as such principle of development is accepted.
Wildlife and habitat/Environment	No adverse impact identified.
Heritage	No harm to Heritage Assets identified.
Design	Acceptable.
Highways	No adverse impact identified.
Amenity	No adverse impact identified.

5.0 Description of Site

The application site is located off a passageway at the southern end of Brandy Row. Brandy Row runs parallel, and on the lee of The Chesil Beach Sea Defence Wall at the southern end of Chiswell village on Portland.

The existing walls of the building are a mix of local stone coursed ashlar and hollow concrete blockwork. There is currently no roof covering the building although remnants of timbers suggest a mono-pitch structure within the more recent past. The main

entrance to the property is off the shared access passageway that runs from Brandy Row.

The application site is within the Fortuneswell Defined Development Boundary and the Underhill Conservation Area. The site is not a Listed Building but is within the setting of a Locally Important Building. The application site is recorded as being at a low risk of flooding and is within the Chesil & The Fleet Special Area of Conservation (SAC) 5km Buffer.

6.0 Description of Development

The proposed development is to renovate the existing building for use as beach fisherman's store for the storage of lobster/crab pots during the winter & nets/ropes throughout the year. The proposed development includes reinstatement of the lean to roof with the external finish being corrugated galvanised steel sheeting and two corrugated translucent roof lights. The proposed development also includes the installation of a new timber door and side window in existing wall openings.

7.0 Relevant Planning History

Application No.	Proposal	Decision	Decision Date
88/01047/TEMP	RENEWAL OF PERMISSION FOR A FISHING HUT.	Granted	12/01/1989

8.0 List of Constraints

Defined Development Boundary; Fortuneswell

Underhill Conservation Area

Dorset Council Land (Freehold)

Right of Way Footpaths ref: S3/2 & S3/5

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet

Natural England Designation - RAMSAR: Chesil Beach & the Fleet

Nutrient Catchment Areas

Portland Neighbourhood Plan - Status 'Made' 22/06/2021;

Area of Archaeological Potential; Portland

9.0 Consultations

All responses can be viewed in full on the Council's website.

Portland Town Council – Portland Town Council supports the application.

Ward Councillors – No reply.

Highway Authority - No objection subject to condition relating to approval of Construction Method Statement required to minimise the likely impact of construction traffic on the surrounding highway network.

Rights of Way - No objection.

Assets & Property - No reply.

Representations received – None.

10.0 Development Plan

Relevant Policies

West Dorset and Weymouth & Portland Local Plan (2015)

INT1	-	Presumption in favour of sustainable development
SUS2	-	Distribution of development
ENV1	-	Landscape, seascape and sites of geological interest
ENV2	-	Wildlife and habitats
ENV4	-	Heritage assets
ENV10	-	The landscape and townscape setting
ENV12	-	The design and positioning of buildings
ENV15	-	Efficient and appropriate use of land
ENV16	-	Amenity
ECON1	-	Provision of employment
ECON3	-	Protection of other employment sites
COM7	-	Creating a safe and efficient transport network

Portland Neighbourhood Plan 2017-2031

Port/BE1	-	Protecting existing employment sites and premises
Port/EN4	-	Local heritage assets
Port/EN6	-	Defined development boundaries
Port/EN7	-	Design and character

Material Considerations

National Planning Policy Framework (2021)

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- Section 4. Decision taking: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- Section 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 12 'Achieving well designed places indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 126 – 136 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

Statutory Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

The Planning (Listed Buildings and Conservation Areas) Act 1990- Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Other Material Considerations

Emerging Dorset Council Local Plan:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

Supplementary Planning Document/Guidance

Weymouth & Portland Urban Design (2002)
Landscape Character Assessment (Weymouth & Portland)
Appraisal of the Conservation Areas of Portland as amended 2017

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. It is considered that given the type and nature of the development proposed it would have no adverse impact on people with protected characteristics.

13.0 Financial benefits

What	Amount/Value
Material Considerations	
None	None
Non-Material Considerations	
Potential leasehold income to Dorset Council as land owner	Not known.

14.0 Environmental Implications

- 14.1 Natural England have advised that development which results in an increase in population within 5km of the Chesil Beach and the Fleet European site may contribute to an unacceptable increase in recreational pressures on the features of the designated area. Furthermore, the application site is within the Nutrient Catchment Area for the Chesil and Fleet where additional nutrient load from the increase in wastewater and/or the change in the land use to residential can create an impact pathway for potential negative effects on the Protected Habitat sites related to nutrient loading. Therefore, in accordance with habitat regulations the proposal has been screened to consider the potential impact of the development on the protected sites. The application is for a Beach Fisherman's Store and would therefore not create an additional residential unit or use that is considered to create additional nutrient loading. As such, there are no likely significant effects associated with this proposal on the European protected sites. As the screening process concluded that the application would have no likely significant effect on the European protected sites, the requirement for an appropriate assessment has not been triggered as set out in the Habitat Regulations.
- 14.2 No other potential wildlife or habitat impacts were identified with the proposal and as such the scheme is considered to be acceptable when assessed against Local Plan Policy ENV2.

15.0 Planning Assessment

15.1 Principle of development

The application site is located within the Defined Development Boundary where development that meets the needs of the local area will normally be permitted. The proposed development relates to an employment use and as such the principle of development is accepted under Local Plan Policy SUS2 and Neighbourhood Plan Policy Port/EN6.

15.2 Design

The proposed development is contained within the footprint of the existing building and as such the scale and proportion of the scheme is considered acceptable. The proposed roof appears to be a reinstatement of an original lean to roof, and the external materials proposed are in keeping with the character of the area, although the detailed colour and finish of these has not been provided and as such it is considered these would need to be controlled by an appropriate planning condition.

The proposals are considered to be an enhancement to the existing building and would potentially bring the site back into a viable employment use that is in harmony with its coastal setting. Therefore, subject to conditions the proposals are considered to be acceptable in design terms and in accordance with Local Plan Policies ENV1, ENV10, ENV12, ECON1 and ECON3 and Neighbourhood Plan Policies Port/BE1 and Port/EN7.

15.3 Impact on heritage assets

Heritage Assets

The site is located within the Chiswell area of the Underhill Conservation Area (CA) and within the setting of the Locally Important Building recorded in the 2017 Conservation Area Appraisal as the remains of C17 cottages (cambered arch) and according to the heritage statement submitted with the application, historically and locally referred to as 'Entry'.

Significance of heritage assets

Underhill Conservation Area

In summary the significance of the CA is considered to be its early C19 planform, purpose-built Opes, a locally, unique way of providing floodway's during storm surges and allowing access to small, rear building groups as well as the beach, historically an area of fishermen, quarrymen, traders and their families and the large numbers of Listed Buildings and Locally Important Buildings of historic value, design and significance that provide a repository of bygone styles, fashions and materials. Furthermore, the character of the area is very much derived from this close relationship between the buildings, Chesil Beach and the sea.

Remains of C17 cottages (cambered arch)

This Locally Important Building is considered to have significance as an historic legacy building presenting the use of local materials, architectural detailing in its archways and close relationship with Chesil Beach and the sea.

Potential impact to heritage assets

Underhill Conservation Area

The proposed development would be used for a Beach Fisherman's Store that is considered to be in keeping with the character of the area that gains some of its significance from historic fishing activities related to Chesil Beach and the sea. Furthermore, the proposed materials are considered in keeping with those in the CA and as such are considered acceptable. It is considered that the proposed development would not harm the designated heritage asset but would bring the building into a viable use consistent with the CA and would positively contribute to the conservation and enhancement of the significance of the CA.

Remains of C17 cottages (cambered arch)

The proposed development by virtue of its intended use, materials and design is not considered to harm the setting of the heritage asset and is considered to be a proposal that would enhance the setting of this Locally Important Building and better reveal its significance.

Conclusion on impact on heritage assets

The proposals are considered to be acceptable in heritage impact terms as no harm to heritage assets has been identified and the development would conserve and enhance the heritage assets. Therefore, the application is considered to be in accordance with the NPPF, Local Plan Policy ENV4 and Neighbourhood Plan Policy Port/EN4

15.4 Impact on highway safety/public access

The application does not propose any alterations or development that would alter the public highway or generate a significant increase in movement or volume of traffic. The Highway Authority has set out that it has no objection to the proposals, subject to a pre-commencement condition relating to approval of a Construction Method Statement, which the applicant has agreed to. Therefore, subject to condition it is considered that the proposed development is acceptable in highway terms and is in accordance with Local Plan Policy COM7.

15.5 Amenity

The application by virtue of the proposed design and use is not considered to represent development that would cause a significant adverse impact on amenity. As such the proposals are considered acceptable when assessed against Local Plan Policy ENV16.

16.0 Conclusion

The development has been assessed against the policies of the West Dorset, Weymouth & Portland Local Plan 2015, the policies of the Portland Neighbourhood Plan 2017-2031, the NPPF and other material considerations. It has been concluded that the development would accord with the development plan, and would not result in any harm that would justify refusal in the public interest. The recommendation has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

17.0 Recommendation

Grant subject to conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location plan Dated: 21 June 2023
Proposed Plans, Elevations & Section A-A Dwg No. 23/3/01-2 A

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to development above damp-proof course level, details (including colour photographs) of all proposed external facing materials for the roof shall have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.

4. Prior to installation of the external door and window, detailed drawings and specifications showing the design, construction, materials and finished external colour of the external door and window (at a scale no less than 1:10) shall be provided to the Local Planning Authority and agreed in writing. Thereafter, the development shall be carried out in accordance with the agreed details.

Reason: To ensure a satisfactory visual appearance of the development.

5. Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority. The CMS must include detail of:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development; and
- delivery, any demolition and construction working hours

Thereafter the approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network.

Informative: National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development.

The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and

- as appropriate updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

-The application was acceptable as submitted and no further assistance was required.

Informative Note: Contact Dorset Highways

The applicant should contact Dorset Highways by telephone at 01305 221020, by email at dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public highway, to ensure that the appropriate licence(s) and or permission(s) are obtained.